

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARTHUR MONTOUR, et al.,

Defendants.

Case No. CR09-0214 MJP

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
MOTION FOR EXTENSION OF
TIME AND AUTHORIZING
CONSOLIDATED RESPONSE IN AN
OVERLENGTH BRIEF**

This matter is before the Court on the government's unopposed motion to combine responsive briefing, to file overlength briefs, and to extend time to respond to two of Defendants' motions. (Dkt. No. 103.) The Court ORDERS as follows:

1. The government may file a single brief in response to the following three motions by the defendants: 1) Motion to Dismiss False Declaration Counts (Counts 17-23) for Failure to State a Claim (Docket No. 86), 2) Motion to Dismiss False Declaration Counts on Multiplicity Grounds and to Require Election by Government (Docket No. 87), and 3) Motion to Sever the False Declaration Counts (Docket No. 90). The government's single brief in response shall not exceed 20 pages.

1 2. The government may file a single brief in response to the following four motions
2 by the defendants: 1) Motion to Strike Allegations and/or Dismiss Substantive CCTA Charges
3 (Counts 7-16) for Failure to State an Offense (Docket No. 92), 2) Motion to Dismiss the CCTA
4 Charges Under the Void for Vagueness Doctrine (Docket No. 91); 3) Motion to Dismiss Counts
5 Regarding Aiding and Abetting Allegation, or in the Alternative, for a Bill of Particulars (Docket
6 No. 96); and 4) Motion to Dismiss Because Defendants Are Not Among the Class of Those
7 Liable for Failure to Notify (Docket No. 97). The government's single brief in response shall not
8 exceed 20 pages.

9 3. The government may file a single brief in response to the following two motions
10 by the defendants: 1) Motion to Dismiss – Indian Commerce Clause; and 2) Motion to Dismiss
11 Due to Federal Preemption of CCTA Jurisdiction Over Tribal Sales. The government's single
12 brief in response shall not exceed 24 pages. Though the government has requested a two week
13 extension of the response date, the Court is concerned with the need to rule on the motions in a
14 timely manner in light of the early May trial date. The Court therefore GRANTS IN PART the
15 request for an extension of time. The government's brief must be filed no later than March 8,
16 2010.

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18 The Clerk is directed to transmit a copy of this Order to all counsel of record.

19 Dated this 23rd day of February, 2010.

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23 Marsha J. Pechman
24 United States District Judge
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